

BILL NO.

S-86-03-32

SPECIAL ORDINANCE NO.

61-86

AN ORDINANCE of the Common Council of the
City of Fort Wayne, Indiana to delete Chapter
16 of the Fort Wayne Municipal Code entitled
"Milk and Milk Products" in its entirety.

WHEREAS, the Fort Wayne Municipal Code is in need of revision;
and

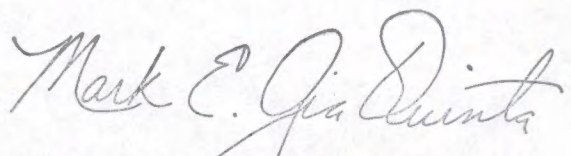
WHEREAS, Chapter 16 of the Fort Wayne Municipal Code entitled
"Milk and Milk Products" has been reviewed by its enforcing agent, the
Allen County Board of Public Health; and

WHEREAS, Chapter 16 of the Fort Wayne Municipal Code entitled
"Milk and Milk Products" has been determined to now be covered under
State Law and under the jurisdiction of the State Board of Public Health:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

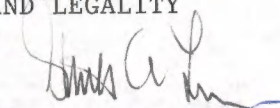
SECTION 1. Chapter 16 of the Fort Wayne Municipal Code entitled
"Milk and Milk Products" is now deleted in its entirety.

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage and any and all necessary approval
by the mayor.



COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY


Stanley A. Levine
Attorney for Common Council

Read the first time in full and on motion by DiDion, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Ad Hoc (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S

DATE: 3-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-8-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-61-86 on the 8th day of April, 1986,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL) Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of April, 1986, at the hour of 10 o'clock A .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Chapter 16

MILK AND MILK PRODUCTS*

Article I. In General

- § 16-1. Definitions.
- § 16-2. Sale, etc., of other than grade A pasteurized prohibited; exceptions.
- § 16-3. Sale, etc., of unlabeled milk and milk products.
- § 16-4. Impoundment and disposition of adulterated, misbranded or improperly labeled milk and milk products.
- § 16-5. Delivery vehicles generally.
- § 16-6. Transferring from one container to another, sale of dip milk.
- § 16-7. Packaging at source; service in original containers by hotels, restaurants, etc.
- § 16-8. Maintenance of proper temperature by hotels, restaurants, etc.
- § 16-9. Equipment used for different grades of milk.
- § 16-10. Storage of bottled milk or milk products in water.
- § 16-11. Cleanliness of containers generally; use of containers for other purposes.

*State law references—Milk and milk products generally, IC 1971, §§ 4-14-1-10, 16-1-23-1—16-1-23-18, 16-1-23-20—16-1-23-24, 16-1-23-26—16-1-23-32, 16-6-6-1—16-6-6-17; authority of city to regulate, inspect, license and prohibit process and sale of milk and milk products, IC 1971, § 18-1-1.5-7; dairy products in general, IC 1979, § 15-6-1-1 et seq.; sanitation IC 1979, § 16-1-23-1 et seq.

Cross references—Business regulations generally, Ch. 7; food and food establishments, Ch. 13; health and sanitation, Ch. 14.
Supp. No. 2, 6-79

Milk and Milk Products

- § 16-12. Delivery and collection of containers from premises housing communicable disease.
- § 16-13. Construction of dairies and milk plants.
- § 16-14. Duration of degrading.
- § 16-15. Promulgation of rules and regulations.

Article II. Labeling and Placarding.

- § 16-16. Generally.
- § 16-17. Mixing homogenized milk with milk which is not homogenized.
- § 16-18. Display of notice of grading by restaurant, cafe, etc.

Article III. Permits.

- § 16-19. Required by persons bringing milk into the city, etc.
- § 16-20. Required by milk plants, collecting stations and premises conferring milk and milk products for sale.
- § 16-21. Application; duration; renewal.
- § 16-22. Fees.
- § 16-23. Transfer.
- § 16-24. Suspension.
- § 16-25. Reinstatement.
- § 16-26. Revocation.

Article IV. Inspections.

- § 16-27. Initial inspection; frequency; reinspection; action upon continued violation or reinspection.
- § 16-28. Inspection report.
- § 16-29. Access to premises of records.
- § 16-30. Sale of products from points beyond the area of primary inspection responsibility generally.
- § 16-31. Inspection of premises beyond the area of primary inspection responsibility.
- § 16-32. Methods of testing.
- § 16-33. Retesting when sample below grade.
- § 16-34. Procedure when four consecutive samples test below grade.
- § 16-35. Procedure upon violation of phosphatase test.
- § 16-36. Grading generally.

Article V. Health and Sanitation Requirements for Producer Dairies.

- § 16-37. Health of cows.
- § 16-38. Dairy barn — Lighting.
- § 16-39. Same — Air space and ventilation.
- § 16-40. Same — Floors.
- § 16-41. Same — Walls and ceilings.
- § 16-42. Cow yard requirements.
- § 16-43. Manure disposal.

ARTICLE I. IN GENERAL.

Sec. 16-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Area of primary inspection responsibility. The area established from time to time by the city-county board of health as that within which milk plants and milk collecting stations shall be visited by the health officer at routine intervals established by rule of such board.

Average bacterial plate count and average direct microscopic count. The logarithmic average of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the six-months period referred to in section 16-32.

Buttermilk. A fluid product resulting from the churning of milk or cream and containing not less than eight and one-fourth percent milk solids-not-fat.

Concentrated milk. A fluid product, unsterilized and unsweetened, resulting from the removal of a substantial portion of the water from milk. When recombined with water in accordance with instructions printed on the container, the resulting product conforms with the standards for milk-fat and milk solids-not-fat prescribed in this section.

Concentrated milk products. Homogenized concentrated milk. Vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this article.

Cooling temperature and average cooling temperature. The arithmetic average of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the six-months period referred to in section 16-32.

Cottage cheese. The soft uncured cheese prepared from the curd obtained by adding harmless lactic-acid-producing bacteria, with or

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- § 16-44. Milk house or milk room — Construction generally.
- § 16-45. Same — Cleanliness and fly prevention.
- § 16-46. Toilet facilities.
- § 16-47. Water supply.
- § 16-48. Utensils — Construction generally.
- § 16-49. Same — Cleanliness generally.
- § 16-50. Same — Bactericidal treatment.
- § 16-51. Same — Storage.
- § 16-52. Same — Handling.
- § 16-53. Milking — Cleaning udders and teats; disposition of abnormal milk.
- § 16-54. Same — Cleaning cows generally.
- § 16-55. Same — Washing hands.
- § 16-56. Cleanliness of handlers' garments.
- § 16-57. Milk stools.
- § 16-58. Removal of milk from barn.
- § 16-59. Cooling milk.
- § 16-60. Vehicles used in transportation; cleanliness of dairy generally.

Article VI. Health and Sanitation Requirements for Milk Plants and Milk Collecting Stations.

- § 16-61. Floors.
- § 16-62. Walls and ceilings.
- § 16-63. Doors and windows.
- § 16-64. Lighting and ventilation generally.
- § 16-65. Protection from contamination generally.
- § 16-66. Toilet facilities.
- § 16-67. Water supply.
- § 16-68. Hand-washing facilities.
- § 16-69. Milk piping.
- § 16-70. Disposal of waste.
- § 16-71. Containers and equipment — Construction and repair generally.
- § 16-72. Same — Cleaning and bactericidal treatment.
- § 16-73. Same — Storage.
- § 16-74. Same — Handling.
- § 16-75. Storage of caps, parchment paper and single-service containers.
- § 16-76. Pasteurization.
- § 16-77. Cooling.
- § 16-78. Bottling and packaging.
- § 16-79. Use of overflow milk.
- § 16-80. Capping containers.
- § 16-81. Personnel — Health requirements generally.
- § 16-82. Same — Cleanliness.
- § 16-83. Vehicles used in transportation.

without enzymatic action, to pasteurized skim milk or pasteurized reconstituted skim milk and containing not more than eighty percent moisture.

Cream. The portion of milk which contains not less than eighteen per cent milkfat.

Creamed cottage cheese. The soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk, and which contains not less than four percent milkfat by weight and not more than eighty percent moisture.

Cultured buttermilk. A fluid product resulting from the souring or treatment by a lactic acid or other culture of pasteurized skim milk or pasteurized reconstituted skim milk; and containing not less than eight and one-fourth percent milk solids-not-fat.

Cultured milk. A fluid or semi-fluid product resulting from the souring or treatment by a lactic acid or other culture of pasteurized milk, pasteurized reconstituted milk or pasteurized concentrated milk, and containing not less than eight and one-fourth percent milk solids-not-fat and not less than three and one-half percent milkfat.

Dairy or dairy farm. Any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

Dry milk. Milk from which at least ninety-five percent of the water has been removed.

Flavored drink or flavored dairy drink. A beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

Flavored milk, identity. The clean, sound product made by adding chocolate, cocoa or other flavoring, not artificial, to milk with or without sugar, edible gelatin or vegetable stabilizer and containing not less than three percent milkfat.

Flavored reconstituted drink or flavored reconstituted dairy drink. A flavored drink made from reconstituted skim milk.

Flavored reconstituted milk. A flavored milk made from reconstituted milk.

Goat milk. The lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, provided the same

complies with all of the other requirements for milk prescribed in this section. The word "cows" shall be interpreted to include goats.

Grade A pasteurized milk. Grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant which conforms with the items of sanitation prescribed below. In all cases, the milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test, and at no time after pasteurization and before delivery shall the milk have a bacterial plate count, exceeding thirty thousand per milliliter, or a coliform count exceeding the per milliliter, as determined in accordance with section 16-33; provided, that the raw milk at no time between dumping and pasteurization shall have bacterial plate count or direct microscopic clump count exceeding four hundred thousand per milliliter.

Grade A raw milk. Raw milk to be pasteurized, the average bacterial plate count of which, as determined under this section, and sections 16-32 to 16-35, does not exceed two hundred thousand per cubic centimeter or the average direct microscopic count of which does not exceed two hundred thousand per cubic centimeter, if clumps are counted, of eight hundred thousand per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than six hours, and which is produced upon dairy farms conforming with all of the items of sanitation.

Half-and-half. A product consisting of a mixture of milk and cream which mixture contains not less than eleven and five-tenths percent milkfat.

Health officer. The health officer of the city-county board of health or his authorized representative.

Heavy cream or heavy whipping cream. Whipping cream which contains not less than thirty-six percent milkfat.

Homogenized milk. Milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent that after forty-eight hours of quiescent storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk

as determined after thorough mixing. The word "milk" shall be deemed to include homogenized milk.

Light cream, coffee cream or table cream. Cream which contains less than thirty percent milkfat.

Light whipping cream. Whipping cream which contains less than thirty-six percent milkfat.

Milk. The lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within fifteen days before and ten days after parturition, or such longer period as may be necessary to render the milk practically colostrum free and containing not less than eight and one-fourth percent of milk solids-not-fat, and not less than three and one-half percent of milkfat.

Milk collecting station. Any place, premises or establishment where milk or milk products are collected, handled, stored and transferred to a milk plant inspected by the health officer.

Milk distributor. Any person who offers for sale or sells to another any milk or milk products for human consumption as such.

Milkfat or butterfat. Milkfat or butterfat is the fat of milk.

Milk hauler. Any person, other than a milk producer or a milk plant employee, who transports milk or milk products to or from a milk plant or a collecting point.

Milk plant. Any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

Milk producer. Any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

Milk producer-distributor. A milk producer who is also a milk distributor.

Milk products. Cream, sour cream, half-and-half, reconstituted half-and-half, whipped cream, concentrated milk, concentrated milk products, skim milk, non-fat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, Vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, cottage cheese, creamed cottage cheese,

and any other product made by the addition of any substance to milk or to any of these milk products and used for similar purposes and designated as a milk product by the health officer.

Non-fat dry milk solids. Non-fat milk from which at least ninety-five percent of the water has been removed.

Non-fat, fat-free or defatted milk. Skim milk which contains not more than one-tenth of one percent milkfat.

Pasteurization. The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least one hundred and forty-three degrees Fahrenheit, and holding it at such temperature continuously for at least thirty minutes, or to at least one hundred and sixty-one degrees Fahrenheit and holding it at such temperature continuously for at least fifteen seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the state health authority.

Producer dairy. A dairy farm which sends milk or cream to a milk plant for processing.

Reconstituted or recombined cream. A product which results from the combination of dry cream, butter or milkfat with cream, milk, skim milk or water, and which complies with the milkfat standards of cream as defined herein.

Reconstituted or recombined half-and-half. A product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream which combination contains not less than eleven and one-half percent milkfat.

Reconstituted or recombined milk. A product which results from the recombining of milk constituents with water and which complies with the standards for milkfat and milk solids-not-fat as defined herein.

Reconstituted or recombined milk. A product which results from the recombining of skim milk constituents with water and which contains not less than eight and one-fourth percent milk solids-not-fat.

Skim milk. Milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than three and one-fourth percent.

Skim milk solids. Concentrated skim milk and non-fat dry milk solids.

Sour cream. Cream the acidity of which is more than two-tenths percent, expressed as lactic acid.

Ungraded milk and milk products. Any milk or milk product which carries a grade label, unless such grade label has been awarded by the health officer and not revoked, or which fails to conform in any other respect with the statements on the label shall be deemed to be misbranded.

Vitamin D milk. Milk the Vitamin D content of which has been increased to at least four hundred U.S.P. units per quart by a method approved by the council on foods and nutrition of the American Medical Association and the food and nutrition board of the National Research Council.

Whipped cream. Cream to which a harmless gas has been added to cause whipping of the product. It may also contain sugar, other harmless flavoring and a harmless stabilizer.

Whipping cream. Cream which contains not less than thirty percent milkfat. (Ord. G-11, § 1.)

For state law as to definitions of milk and milk products, see IC 1971, §§ 16-1-23-1 and 16-6-6-1.

Sec. 16-2. Sale, etc., of other than grade A pasteurized prohibited; exceptions.

(a) It shall be unlawful for any person to sell, offer for sale or expose for sale or have in his possession with intent to sell within the city any milk or milk products other than grade A pasteurized; provided, that grade A raw milk and milk products may be held for sale and sold for the purpose of pasteurization only; provided, that when a milk distributor fails to qualify for the above grade, the health officer is authorized to suspend or revoke his permit as hereinafter prescribed; provided, that in an emergency, determined by the health officer, the sale of ungraded pasteurized milk or ungraded pasteurized milk products may be authorized by the

health officer upon approval of the board of health of the state, in which case they shall be labeled "ungraded."

(b) It shall be unlawful for any person, elsewhere than in his own private home, to have in his possession any ungraded milk or milk product. (Ord. G-11, § 1.)

For state law as to milk and milk products which may be sold, see IC 1971, § 16-6-6-9.

Sec. 16-3. Sale, etc., of unlabeled milk and milk products.

It shall be unlawful for any person to sell, offer or expose for sale, or have in his possession with intent to sell, any milk or milk product not labeled as required by sections 16-16 to 16-18. (Ord. G-11, § 1.)

For state law as to labeling, see IC 1971, § 16-6-6-4.

Sec. 16-4. Impoundment and disposition of adulterated, misbranded or improperly labeled milk and milk products.

Any adulterated, misbranded or improperly labeled milk or milk products may be impounded by the health officer and disposed of in accordance with state law. (Ord. G-11, § 1.)

For state law as to adulterated or misbranded milk or milk products, see IC 1971, § 16-6-6-2.

Sec. 16-5. Delivery vehicles generally.

It shall be unlawful for any person to deliver or cause to be delivered in the city any milk or milk products in any vehicle or conveyance that is not identified by a metal identification plate bearing the stamped legend "Licensed Dairy Vehicle, City of Fort Wayne, Indiana, Year," clearly and conspicuously displayed on the rear end of each delivery vehicle. Such plate shall measure not less than five inches by eight inches and be of color wherein the legend and background are in opposition to the color of the automobile license plate for the current year. Such plate shall be furnished by the board of health, upon receipt by the controller of the permit fee required by section 16-22 for the current year for each vehicle or conveyance noted on the permit. (Ord. G-11, § 1.)

For state law as to vehicles transporting and markings, see IC 1971, § 16-6-6-4.

Sec. 16-6. Transferring from one container to another; sale of dip milk.

Except as permitted in this article, no milk producer or distributor shall transfer milk or milk products from one container to another on the street or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited. (Ord. G-11, § 1.)

For state law as to transferring from one container to another while in transit, see IC 1971, § 16-1-23-1. As to the dipping or lading of milk or fluid milk products being prohibited, see IC 1971, § 16-6-6-10.

Sec. 16-7. Packaging at source; service in original containers by hotels, restaurants, etc.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized, and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery containers at the farm at which they are produced. Milk and milk products sold in the distributor's containers in quantities less than one gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries and similar establishments to sell or serve any milk or milk products except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service. (Ord. G-11, § 1.)

Sec. 16-8. Maintenance of proper temperature by hotels, restaurants, etc.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery or similar establishment to sell or serve any milk or milk products which have not been maintained, while in its possession, at a temperature of fifty degrees Fahrenheit or less. (Ord. G-11, § 1.)

For state law as to prohibition upon selling or serving milk or milk products when kept at improper temperature, see IC 1971, § 16-6-6-10.

Sec. 16-9. Equipment used for different grades of milk.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. (Ord. G-11, § 1.)

Sec. 16-10. Storage of bottled milk or milk products in water.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged. (Ord. G-11, § 1.)

Sec. 16-11. Cleanliness of containers generally; use of containers for other purposes.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment and utensils used in the handling, storage, processing or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer. (Ord. G-11, § 1.)

For state law as to cleanliness of cans or receptacle and prohibition upon use for other purposes, see IC 1971, § 16-1-23-15.

Sec. 16-12. Delivery and collection of containers from premises housing communicable disease.

The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the health officer. (Ord. G-11, § 1.)

For state law as to milk for pasteurization from herds located in a modified accredited tuberculosis area, see IC 1971, § 16-6-6-8.

Sec. 16-13. Construction of dairies and milk plants.

All dairies and milk plants from which milk or milk products are supplied to the city which are constructed, reconstructed or extensively altered after February 20, 1957 shall conform in their construction to the requirements of this chapter for Grade A dairy farms producing milk for consumption in the raw state, or for Grade A pasteurization plants, respectively; provided, that the requirement of a two-room milk house shall be waived in the case of dairies the milk from which is to be pasteurized. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed or extensively altered shall be submitted to the health officer or the state health department. (Ord. G-11, § 1.)

Sec. 16-14. Duration of degrading.

Whenever a product, plant or farm is degraded, such degrading shall continue for a period of two weeks, or until such product, plant or farm again meets the requirements of this chapter, whichever is longer. (Ord. G-11, § 1.)

Sec. 16-15. Promulgation of rules and regulations.

The health officer is hereby empowered to make rules and regulations to carry out, interpret and make effective the provisions of this chapter; provided, that all such rules and regulations shall be recorded in a permanently bound book kept for such purpose and open to general public inspection; and provided, further, that no such regulation or rule shall be effective for a period longer than sixty days unless formally ratified by the city-county board of health. (Ord. G-11, § 1.)

ARTICLE II. LABELING AND PLACARDING.**Sec. 16-16. Generally.**

All bottles, cans, packages and other containers enclosing milk or any milk product defined in this chapter shall be plainly labeled or marked with:

- (a) The name of the contents as given in the definitions in this chapter.
 - (b) The word "reconstituted" or "recombined" if included in the name of the product as given in the definition.
 - (c) The grade of the contents.
 - (d) The word "pasteurized" only if the contents have been pasteurized.
 - (e) The word "raw" only if the contents are raw.
 - (f) The phrase "for pasteurization" if the contents are to be pasteurized.
 - (g) The name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized.
 - (h) In the case of Vitamin D milk or milk products, the designation "Vitamin D," the source of the Vitamin D and the number of U.S.P. units per quart.
 - (i) In the case of concentrated milk or milk products, the volume or proportion of water to be added for recombining.
 - (j) The words "skim-milk solids added," and the percentage added, if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products.
- Provided, that only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization and which immediately dumps, washes and returns the cans to the producer dairy.
- The label or mark shall be in letters of a size, kind and color approved by the health officer and shall contain no marks or words which are misleading. (Ord. G-11, § 1.)

Sec. 16-17. Mixing homogenized milk with milk which is not homogenized.

Homogenized milk or homogenized cream shall not be mixed with milk, skim milk or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in section 16-1. (Ord. G-11, § 1.)

Sec. 16-18. Display of notice of grading by restaurant, cafe, etc.

Every restaurant, cafe, soda fountain or other establishment, serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or milk products served. (Ord. G-11, § 1.)

ARTICLE III. PERMITS.

Sec. 16-19. Required by persons bringing milk into the city, etc.

It shall be unlawful for any person to bring into, send into or receive into the city, for sale or to sell or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products unless such person possesses a permit from the health officer as required by this chapter. (Ord. G-11, § 1.)

Sec. 16-20. Required by milk plants, collecting stations and premises conferring milk and milk products for sale.

No person shall operate a milk plant, milk collecting station or place where milk or milk products are pasteurized, homogenized, mixed, condensed or bottled, or otherwise prepared for sale to consumers within the city, unless such person holds an unrevoked permit therefor, issued by the health officer. No milk distributor, milk producer or milk producer-distributor shall sell or offer for sale any milk or milk products for consumption within the city unless such distributor, producer or producer-distributor holds an unrevoked permit therefor issued by the health officer. (Ord. G-11, § 1.)

Sec. 16-21. Application; duration; renewal.

(a) Applications for permits required by this chapter shall be made on forms prescribed and provided by the health officer and shall state the name and address of the applicant, the nature and

extent of his interest in the business for which the permit is desired, the location of the business and type of operation, and such other information as the health officer may require. Such applications shall be submitted to the health officer not less than thirty days prior to the date upon which it is desired that the permit becomes effective.

(b) All permits, except producer permits, issued pursuant to this section shall be for the balance of the calendar year in which issued and shall be renewed annually upon application by the permittee, filed in accordance with the foregoing requirements. (Ord. G-11, § 1.)

Sec. 16-22. Fees.

(a) *Milk plants, milk collecting stations and milk distributors within the area of primary inspection responsibility.* For every milk plant, milk collecting station and milk distributor within the area of primary inspection responsibility, for which a permit is required under this article, the permit holder shall pay to the city controller annually a permit fee of one hundred dollars, payable at the time of application, plus the additional amount of one cent for each one hundred pounds in excess of one million pounds of milk and milk products inspected by the health officer, which is received at or in such plant or station during the year for which such permit is issued; provided, however, that milk and milk products received by a milk plant from a milk collecting station holding a permit under this chapter shall not be included for purposes of computing such additional amount. Such permittee shall keep and maintain accurate records of all milk and milk products sold and received in his plant. The additional amount required hereunder shall be remitted to the city controller on a monthly basis not later than the twenty-fifth day of each month following the month for which the amount is computed.

(b) *Milk plants, milk collecting stations and milk distributors located beyond the area of primary inspection responsibility.*

(1) For every milk plant, milk collecting station and milk distributor located beyond the area of primary inspection which meets the requirements of section 16-30, for which a permit is required under this article, the permit holder shall pay to the city

controller annually a permit fee of one hundred dollars payable at the time of application for the permit, plus the additional amount of one cent for each one hundred pounds in excess of one million pounds of milk and milk products which is sold or offered for sale for consumption in the city during the year for which the permit is issued. Such permittee shall keep and maintain accurate records of all milk and milk products sold or offered for sale by it for consumption in the city. The additional amount required hereunder shall be remitted to the city controller on a monthly basis, not later than the twenty-fifth day of each month following the month for which it is computed.

(2) For every such milk plant, milk collecting station and milk distributor which fails to meet the requirements of section 16-30, but to which the health officer shall extend his inspection and which complies with all other requirements of this chapter, for which a permit is required under this article, the permit holder shall pay the city controller annually a permit fee of one hundred dollars payable at the time of application for the permit, plus the additional amount of one cent for each one hundred pounds in excess of one million pounds of milk and milk products which is sold or offered for sale for consumption in the city during the year for which the permit is issued. Such permittee shall keep and maintain accurate records of all milk and milk products sold or offered for sale by it for consumption in the city. The additional amount required hereunder shall be remitted to the city controller on a monthly basis, not later than the twenty-fifth day of each month following the month for which it is computed. In addition thereto, such permittee shall pay an inspection fee of fifteen dollars per day for each inspection by the health officer. Such inspection fee shall be payable to the city controller not later than the twenty-fifth day of the month following the month in which such inspection is made. (Ord. G-11, § 1.)

Sec. 16-23. Transfer.

No permits issued under this article to any person shall be transferable by such person to any other person. (Ord. G-11, § 1.)

Sec. 16-24. Suspension.

Any permit issued under this article may be temporarily suspended by the health officer without notice or hearing for a period of not to exceed thirty days, for any of the following reasons:

- (a) Failure to pay any permit fees due hereunder.
- (b) Failure to meet any of the standards required by this chapter.
- (c) Violation of any provision of this chapter.
- (d) Interference with the health officer or any of his authorized deputies or inspectors in performance of their duties.

Provided, however, that upon written application therefor by the permittee, served upon the health officer within fifteen days after such suspension, the health officer shall conduct a hearing upon the matter after at least five days' written notice of the time, place and purpose thereof to the suspended permittee; provided, further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery by certified mail to such address. (Ord. G-11, § 1.)

Sec. 16-25. Reinstatement.

- (a) Any person whose permit has been suspended at any time may make application for the reinstatement of his permit.
- (b) Upon receipt of a satisfactory application for reinstatement of permit, based on correction of a violation of any bacteriological or cooling-temperature standard, the health officer shall take further samples at the rate of not more than two per week, and shall approve the application upon compliance with the grade requirements as determined in accordance with section 16-32; provided, that if samples are not available because of suspension of permit to operate, or for other reasons, the health officer may issue a temporary permit upon satisfying himself by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

hear the matter de novo in open hearing, for which at least ten days' notice of the time, place and purpose thereof shall be issued by the secretary of the board to all persons affected. Such notice may be served upon the persons affected by leaving a copy at their usual place of business or by delivery by certified United States mail to such address. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the health officer; provided only, that upon written demand by the permittee affected, the city-county board of health shall cause the proceedings before it to be recorded by a stenographer or reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall be reproduced by the board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the party applying for the review, except that copies of transcripts shall be at the expense of the party obtaining the same. The board may require the party applying for a review to deposit with such application an amount determined by it as necessary to secure such expense. The board shall make written findings of the facts in the case and shall enter its final order or determination of the matter in writing in the permanent records of the board. (Ord. G-11, § 1.)

ARTICLE IV. INSPECTIONS.

Sec. 16-27. Initial inspection; frequency; reinspection; action upon continued violation or reinspection.

Prior to the issuance of a permit, and at least once every six months thereafter, the health officer shall inspect or cause to be inspected all milk plants whose milk or milk products are intended for consumption within the city and all dairy farms whose milk is intended for shipment to such milk plants. If the health officer should discover the violation of any requirement of this chapter, he shall make a second inspection after a lapse of such time as he may deem necessary for the defect to be remedied, but not before the lapse of three days; and the second inspection shall be used in determining compliance with the requirements of section 16-36. Any violation of such requirements of this chapter on such

(c) In case the permit suspension had been due to a violation of an item other than bacteriological standards or cooling temperature standards, such application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one week of the receipt of such an application and statement, the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and, in case the findings justify, shall reinstate the permit. (Ord. G-11, § 1.)

Sec. 16-26. Revocation.

(a) Any permit issued hereunder may be revoked by the health officer for any of the following reasons:

- (1) Continued refusal to pay the permit fees prescribed hereunder.
- (2) Willful or continuous violation of any provision of this chapter.

(b) Provided, however, that no such revocation shall be ordered by the health officer except upon hearing and at least ten days' written notice of the time, place and nature thereof. Such notice shall be served upon the permittee by leaving a copy at his usual place of business or by delivery by certified mail to such address. At such hearing, every person who is a party to such proceedings shall have the right to submit evidence and to cross-examine witnesses and to be represented by counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) Upon the conclusion of such hearing, the health officer shall make a final order determining the issue in the case, which order shall be final and conclusive upon all parties; provided, however, that the same may be reviewed as hereafter provided. Any person aggrieved by such an order of the health officer shall be entitled to a review of the same before the entire city-county board of health, by filing a written application therefor with the secretary of such board within fifteen days after such order is issued. Upon receipt of such application, the city-county board of health shall

reinspection shall call for immediate suspension of permit or court action. (Ord. G-11, § 1.)

Sec. 16-28. Inspection report.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and such inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department. (Ord. G-11, § 1.)

Sec. 16-29. Access to premises of records.

Every milk producer and distributor shall, upon the request of the health officer, permit him, or his authorized representative, access to all parts of the establishment of such producer or distributor; and every distributor shall furnish the health officer, upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources of such milk and milk products, records of inspections and tests, and pasteurization time and temperature records. (Ord. G-11, § 1.)

Sec. 16-30. Sale of products from points beyond the area of primary inspection responsibility generally.

Milk and milk products from points beyond the area of primary inspection responsibility of the city may not be sold in the city unless produced or pasteurized under provisions which are substantially equivalent to the requirements of this chapter and which are enforced with equal effectiveness, as determined by a milk-sanitation rating acceptable to the health officer. (Ord. G-11, § 1.)

Sec. 16-31. Inspection of premises beyond the area of primary inspection responsibility.

Milk and milk products from beyond the area of primary inspection responsibility which fail to meet the requirements of section 16-30 above may nevertheless be sold in the city only if the

health officer determines to extend routine inspection thereto and the same is produced or processed in compliance with all other provisions of this chapter. (Ord. G-11, § 1.)

Sec. 16-32. Methods of testing.

During each six-month period, at least four samples of milk and cream from each dairy farm, and at least four samples of milk, cream and homogenized milk from each milk plant shall be taken on separate days and examined by the health officer; provided, that in the case of raw milk for pasteurization, the health officer may accept the test results of laboratories which he has checked periodically and found satisfactory. Samples of other milk products shall be taken and examined by the health officer at least once during each six-month period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants and other places where milk or milk products are sold shall be examined as often as the health officer may require. All proprietors of such places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products," recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration. Bioassays of the Vitamin D content of Vitamin D milk and milk products shall be made when required by the health officer in a laboratory approved by him for such examination. (Ord. G-11, § 1.)

Sec. 16-33. Retesting when sample below grade.

Whenever the average bacterial count or the average cooling temperature of the last four consecutive samples, taken on separate days, is beyond the limit for the grade then held, the

health officer shall send written notice thereof to the person concerned, and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with section 16-1. Violation of the grade requirements by the new average or by any subsequent average during the remainder of the current six-month period shall call for immediate suspension of permit or court action. (Ord. G-11, § 1.)

Sec. 16-34. Procedure when four consecutive samples test below grade.

Whenever more than one of the last four consecutive coliform counts of samples taken on separate days are beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned. He shall then take an additional sample, but not before the lapse of three days. Immediate suspension of permit, or court action, shall be called for when the grade limit is violated by such additional samples, or when the grade limit is again violated during the remainder of the current six-month period by more than one of the last four consecutive samples, unless the last individual result is within the grade limit. (Ord. G-11, § 1.)

Sec. 16-35. Procedure upon violation of phosphatase test.

In case of violation of the phosphatase test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned again may be sold as pasteurized milk or milk products. (Ord. G-11, § 1.)

Sec. 16-36. Grading generally.

The grading of milk products shall be identical with the grading of milk, except that the bacterial-count standards shall be doubled in the case of cream and half-and-half, and shall be omitted in the case of sour cream, buttermilk, cultured buttermilk, cultured milk, cottage cheese and creamed cottage cheese. Vitamin D milk shall be only Grade A pasteurized. The grade of a milk product shall be that of the lowest grade of milk or milk product used in its preparation. (Ord. G-11, § 1.)

ARTICLE V. HEALTH AND SANITATION REQUIREMENTS FOR PRODUCER DAIRIES.

Sec. 16-37. Health of cows.

(a) *Tuberculosis.* All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis-free area, as determined by the Bureau of Animal Industry, United States Department of Agriculture. Tuberculin tests shall be made and reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian and attested to by the health officer shall be evidence of the above test. All additions to such herds shall be free from tuberculosis. Such tests and retests shall be made, and any reactors disposed of in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free, accredited herds.

(b) *Brucellosis.* All milk and milk products for pasteurization shall be from herds certified by the state livestock sanitary authority as meeting its standards for the eradication of brucellosis. Evidence of this certification shall be filed as directed by the health officer. All additions to the herds shall be brucellosis-free. Tests and retests shall be made, and any reactors disposed of in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture.

A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test and filed as directed by the health officer, shall be evidence of the above test.

Cows which show a complete induration of one-quarter or extensive induration in one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milk herd; provided, that this shall not apply in the case of a quarter that is completely dry. Cows giving bloody, stringy or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until reexamination shows that the milk has become normal.

(c) *Other diseases.* For other diseases, such tests and examinations as the health officer may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require. (Ord. G-11, § 1; Ord. G-96-67, § 2.)

Sec. 16-38. Dairy barn — Lighting.

A dairy or milking barn shall be required and in such sections thereof where cows are milked windows shall be provided and kept clean and arranged so as to insure adequate light properly distributed, and when necessary shall be provided with adequate supplementary artificial light. (Ord. G-11, § 1.)

Sec. 16-39. Same — Air space and ventilation.

The sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding. (Ord. G-11, § 1.)

Sec. 16-40. Same — Floors.

The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, shall be graded to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in parts of the barn used for milking. If horses, dry cows, calves or bulls should be stabled therein, they shall be confined in stalls, stanchions or pens which shall be kept clean and in good repair. (Ord. G-11, § 1.)

Sec. 16-41. Same — Walls and ceilings.

The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two years or oftener, if necessary, or finished in an approved manner and kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated

therefrom by a "duct-tight" partition and door. No feed shall be stored in the milking portion of the barn. (Ord. G-11, § 1.)

Sec. 16-42. Cow yard requirements.

The cow yard shall be graded and drained as well as practicable, and shall be so kept that there are no standing pools of water nor accumulation of organic wastes; provided, that in loafing or cattle areas, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall be kept out. (Ord. G-11, § 1.)

Sec. 16-43. Manure disposal.

All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof. (Ord. G-11, § 1.)

Sec. 16-44. Milk house or milk room — Construction generally.

There shall be provided a milk house or milk room in which the cooling, handling and storing of milk and milk products and the washing, bactericidal treatment and storing of milk containers and utensils shall be done, which house or room shall meet the following standards:

(a) It shall be provided with a tight floor constructed of concrete or other impervious material, in good repair and graded to provide proper drainage.

(b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner.

(c) It shall be well lighted and ventilated.

(d) It shall have all openings, effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies.

(e) It shall be used for no other purposes than those specified above except as may be approved by the health officer, shall not open directly into a stable or into any room used for domestic

purposes; shall have water piped into it; shall be provided with adequate facilities for heating of water for the cleaning of utensils; and, shall be equipped with two-compartment stationary wash and rinse vats. (Ord. G-11, § 1.)

Sec. 16-45. Same — Cleanliness and fly prevention.

The floors, walls, ceilings and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used. (Ord. G-11, § 1.)

Sec. 16-46. Toilet facilities.

Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply. (Ord. G-11, § 1.)

Sec. 16-47. Water supply.

The water supply for the milk room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate and of a safe, sanitary quality. (Ord. G-11, § 1.)

Sec. 16-48. Utensils — Construction generally.

All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk or milk products shall be made of smooth, nonabsorbent, noncorrodible, nontoxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for straining milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails shall be of the seamless, hooded type. All single-service articles shall have been manufactured, packaged, transported and handled in a sanitary manner. (Ord. G-11, § 1.)

Sec. 16-49. Same — Cleanliness generally.

All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products must be thoroughly cleaned after each usage. (Ord. G-11, § 1.)

Sec. 16-50. Same — Bactericidal treatment.

All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk or milk products shall, before each usage, be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals or hot air. (Ord. G-11, § 1.)

Sec. 16-51. Same — Storage.

All containers and other utensils used in the handling, storage or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry and so as not to become contaminated before being used. (Ord. G-11, § 1.)

Sec. 16-52. Same — Handling.

After bactericidal treatment, no container or other milk or milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact. (Ord. G-11, § 1.)

Sec. 16-53. Milking — Cleaning udders and teats; disposition of abnormal milk.

Milking shall be done in the milking barn, stable or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils. (Ord. G-11, § 1.)

ec. 16-54. Same — Cleaning cows generally.

he flanks, bellies and tails of all milking cows shall be free from ble dirt at the time of milking. All brushing shall be completed ore milking commences. (Ord. G-11, § 1.)

ec. 16-55. Same — Washing hands.

ilkers' hands shall be washed clean, rinsed with an effective tericidal solution and dried with a clean towel immediately ore milking and immediately after any interruption in the ing operation. Wet-hand milking is prohibited. Convenient lities shall be provided for the washing of milkers' hands. No son with an infected cut or lesion on hands or arms shall milk s or handle milk or milk utensils. (Ord. G-11, § 1.)

ec. 16-56. Cleanliness of handlers' garments.

ilkers and milk handlers shall wear clean outer garments while ing or handling milk, milk products, containers, utensils or ipment. (Ord. G-11, § 1.)

ec. 16-57. Milk stools.

ilk stools and surcingles shall be kept clean. (Ord. G-11, § 1.)

ec. 16-58. Removal of milk from barn.

ach pail or can of milk shall be removed immediately to the milk se or straining room. No milk shall be strained or poured in the a unless it is protected from flies and other contamination. (Ord. 1, § 1.)

ec. 16-59. Cooling milk.

ilk for pasteurization shall be cooled immediately to fifty rees Fahrenheit or less and shall be maintained at that perature as determined in accordance with sections 16-32 to '5 until delivered. (Ord. G-11, § 1.)

Sec. 16-60. Vehicles used in transportation; cleanliness of dairy generally.

(a) All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from sun, from freezing and contamination.

(b) The immediate surroundings of the dairy shall be kept in a clean, neat condition. (Ord. G-11, § 1.)

ARTICLE VI. HEALTH AND SANITATION REQUIREMENTS FOR MILK PLANTS AND MILK COLLECTING STATIONS.

Sec. 16-61. Floors.

The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains and kept clean. (Ord. G-11, § 1.)

Sec. 16-62. Walls and ceilings.

Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean. (Ord. G-11, § 1.)

Sec. 16-63. Doors and windows.

Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing. (Ord. G-11, § 1.)

Sec. 16-64. Lighting and ventilation generally.

All rooms shall be well lighted and ventilated. (Ord. G-11, § 1.)

Sec. 16-65. Protection from contamination generally.

The various milk plant and milk collecting station operations shall be located and conducted so as to prevent any contamination

of the milk or of cleaned equipment. All necessary means shall be used for the elimination of flies, other insects and rodents. In milk plants, there shall be separate rooms for (a) the pasteurizing, processing, cooling and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Rooms in which milk, milk products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils and equipment shall be used for no purpose other than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer. (Ord. G-11, § 1.)

Sec. 16-66. Toilet facilities.

Every milk plant and milk collecting station shall be provided with toilet facilities conforming with the applicable provisions of this Code and other ordinances of the city. Toilet rooms shall not open directly into any room in which milk, milk products, equipment or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well ventilated. A placard on which sections 16-81 and 16-82 are printed, and a sign directing employees to wash their hands before returning to work, shall be posted in all toilet rooms used by employees. Where privies or earth closets are permitted and used, they shall be separate from the building and shall be of a sanitary type, located, constructed and operated in conformity with the requirements of section 16-46. (Ord. G-11, § 1.)

Sec. 16-67. Water supply.

The water supply shall be easily accessible, adequate and of a safe, sanitary quality. (Ord. G-11, § 1.)

Sec. 16-68. Hand-washing facilities.

Convenient hand-washing facilities shall be provided in every milk plant, including hot and cold running water, soap and approved sanitary towels. Hand-washing facilities shall be kept

clean. The use of common towels is prohibited. No employee shall resume work after using the toilet room without having washed his hands. (Ord. G-11, § 1.)

Sec. 16-69. Milk piping.

All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping. (Ord. G-11, § 1.)

Sec. 16-70. Disposal of waste.

All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of milk equipment by backflow. (Ord. G-11, § 1.)

Sec. 16-71. Containers and equipment — Construction and repair generally.

All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, closures, gaskets and other articles used shall have been manufactured, packaged, transported and handled in a sanitary manner. (Ord. G-11, § 1.)

Sec. 16-72. Same — Cleaning and bactericidal treatment.

- (a) All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage.
- (b) All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant or milk collecting station, each container shall be effectively cleaned and subjected to bactericidal treatment. (Ord. G-11, § 1.)

Sec. 16-73. Same — Storage.

After bactericidal treatment, all bottles, cans and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination. (Ord. G-11, § 1.)

Sec. 16-74. Same — Handling.

Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be permitted to come into contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. (Ord. G-11, § 1.)

Sec. 16-75. Storage of caps, parchment paper and single-service containers.

Milk bottle caps or cap stocks, parchment paper for milk cans, single-service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings or cartons; shall be kept therein in a clean, dry place until used and shall be handled in a sanitary manner. (Ord. G-11, § 1.)

Sec. 16-76. Pasteurization.

Pasteurization shall be performed as described in section 16-1. (Ord. G-11, § 1.)

Sec. 16-77. Cooling.

All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty degrees Fahrenheit or less and maintained at that temperature until

pasteurized; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of fifty degrees Fahrenheit or less as defined in section 16-1, and maintained thereat until delivery. (Ord. G-11, § 1.)

Sec. 16-78. Bottling and packaging.

Bottling and packaging of milk and milk products shall be done at the place of pasteurization, in approved mechanical equipment. (Ord. G-11, § 1.)

Sec. 16-79. Use of overflow milk.

Overflow milk or milk products shall not be sold for human consumption. (Ord. G-11, § 1.)

Sec. 16-80. Capping containers.

Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter. (Ord. G-11, § 1.)

Sec. 16-81. Personnel — Health requirements generally.

(a) The health officer or physician authorized by him shall examine and take a careful morbidity history of every person connected with a milk plant or milk collecting station, or about to be employed therein, whose work brings him into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by state health authorities for such examinations, and if the results justify, such person shall be barred from such employment.

(b) Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as

the health officer may require for the purpose of determining freedom from infection. (Ord. G-11, § 1.)

Sec. 16-82. Same — Cleanliness.

(a) *Garments and hands.* All persons who come into contact with milk, milk products, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while engaged in such work.

(b) *Notification of disease.* No person with any disease in a communicable form, or who is a carrier of such disease, shall work at any dairy farm, milk plant or milk collecting station in any capacity which brings him into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment; and no dairy farm, milk plant or milk collecting station shall employ in any such capacity any such person or any person suspected of having any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant or milk collecting station any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health officer immediately.

(c) *Procedure when infection suspected.* When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures:

- (1) The immediate exclusion of that person from milk handling.
- (2) The immediate exclusion of the milk supply concerned from distribution and use.
- (3) Adequate medical and bacteriological examination of the person, of his associates and of his or their body discharges. (Ord. G-11, § 1.)

Sec. 16-83. Vehicles used in transportation.

(a) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll down sides and backs, provided, that openings of the size necessary for the delivery man to pass may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed thereon.

(b) Milk tank-cars and tank-trucks shall comply with the construction, cleaning, bactericidal treatment, storage and handling requirements of sections 16-65, 16-71, 16-72, 16-73 and 16-74. While containing milk, cream or milk products, they shall be sealed and labeled in an approved manner. For each tank shipment, a bill of lading containing all necessary information shall be prepared in triplicate and shall be kept on file by the shipper, the consignee and the carrier for a period of six (6) months for the information of the health officer. (Ord. G-11, § 1)

BILL NO. S-86-03-32

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE
MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974
TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) XXXXXXXXXX of the Common Council of the
City of Fort Wayne, Indiana to delete Chapter 16 of the Fort Wayne
Municipal Code entitled "Milk and Milk Products" in its entirety

HAVE HAD SAID (ORDINANCE) (RESOLUTION) XXXXXXXXXX UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION) XXXXXXXXXX

YES

NO

SANDRA E. KENNEDY
CITY CLERK

Charles E. Reed

Rep. A. C. C. C.

Samuel J. Valarino

CONCURRED IN

4-8-86

DSch

Janet D. Bradbury